

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case Nos. 95-80889; 12-50875; 12-50877
Honorable Lawrence P. Zatkoff

Michael P. Bishoff and
Suzanne M. Latour Bischoff,

Defendants.

OPINION AND ORDER

At a session of said Court held in the City of Port Huron,
County of St. Clair, State of Michigan, on March 25, 2013

PRESENT: HONORABLE LAWRENCE P. ZATKOFF
United States District Court Judge

Presently before the Court are three filings by Defendants: (1) Motion for Hearing Postponement (Docket #15 in Case No. 12-50875); (2) Objection to the Magistrate's Report (the "Objection") (Docket #211 in Case No. 95-80889); and (3) Motion to Hold in Abeyance Ruling on Objection to Magistrate's Report (Docket #212 in Case No. 95-80889). The Government has filed a response to the Objection and Motion to Hold in Abeyance.

A. Motion for Hearing Postponement

The Motion for Hearing Postponement is denied as moot because the Court had adjourned the March 7, 2013, hearing prior to the Motion for Hearing Postponement being filed.

B. Objection to Magistrate's Report

The Court has reviewed the Objection to Magistrate's Report with respect to the hearing on the Government's Motions to Compel, conducted on March 1, 2013. The Court first notes

that most of the objections in the “Objection to Magistrate’s Report” are nearly identical to objections Defendants previously raised before this Court. Specifically, for the same reasons set forth in the Court’s February 14, 2013 Opinion and Order (Docket #204 in Case No. 95-80889), which reasons are incorporated and reiterated herein, the Court rejects Defendants’ objections that: (1) they did not consent to the assignment of any matter to the Magistrate Judge pursuant to “Form AO 85”; (2) Defendants’ criminal cases and probations were terminated years ago; and (3) Defendants were not served by the U.S. Marshal in this case or any accompanying civil case.

The Court also rejects Defendants’ contention that the undersigned did not order the Magistrate Judge to conduct and determine the motions to compel in this matter, as the Court specifically referred the motions to compel “to United States Magistrate Judge Paul Komives for an immediate hearing and determination.” *See* Docket #204 in Case No. 95-80889. Finally, Defendants’ contention that Defendant Suzanne Latour Bischoff was served at the wrong address is without merit. As the Government notes, Defendant Michael Bischoff acknowledged on the record at the Motion to Compel Hearing on March 1, 2013, that Defendant Suzanne Latour Bischoff was aware of the hearing and he agreed to accept on her behalf service of the Magistrate Judge’s March 1, 2013 Order. Moreover, to the extent that the address at which Defendant Suzanne Latour Bischoff was served was defunct, the Court finds that Defendant Suzanne Latour Bischoff failed to provide the Court with notice of her change in address, as she is required to do.

Accordingly, for the reasons set forth above, the Court denies Defendants’ “Objection” to the Magistrate Judge’s Report (Order) regarding the Motions to Compel heard at the March 1, 2013 hearing.

C. Motion to Hold in Abeyance

The Court, having determined that the Objection to Magistrate Report filed by Defendants is without merit, denies as moot Defendants' Motion to Hold in Abeyance Ruling on Objection to Magistrate's Report. The Court is also denying the Motion to Hold in Abeyance because: (1) Defendants did not seek concurrence from Plaintiff, as required under Eastern District of Michigan Local Rule 7.1(a)(1), (2) Defendants' delay in seeking a transcript of the March 1, 2013 hearing was unnecessary and prejudicial to the Government and the efficient administration of justice, and (3) a transcript is not required to adjudicate a magistrate judge's order resulting from a non-dispositive motion. *See* Fed.R.Civ.P. 72(a).

Accordingly, and for the reasons set forth above, IT IS HEREBY ORDERED that the following motions and objection are DENIED:

- (1) Motion for Hearing Postponement (Docket #15 in Case No.12-50875);
- (2) Objection to the Magistrate's Report (the "Objection") (Docket #211 in Case No. 95-80889); and
- (3) Motion to Hold in Abeyance Ruling on Objection to Magistrate's Report (Docket #212 in Case No. 95-80889).

IT IS FURTHER ORDERED that Defendants are required to produce financial documentation and information by April 2, 2013, or appear at a show cause hearing for contempt on April 4, 2013 if they do not timely produce such documentation and information, all as specified in the March 1, 2013 Order issued by the Magistrate Judge.

IT IS SO ORDERED.

S/LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 25, 2013